

110

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 6, 1994
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Wayne Kildall, Ebenezer Congregational Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Rachel Kulling proclaiming the month of April, 1994 as "National Month of the Child". On Friday, April 8, 1994, approximately 100 children will be walking to City Hall to promote the spiritual and mental well-being of children.
FILE NO. CC-37
- b) Mayor Sieglock presented a proclamation to Matt Murray and Tony Taboada, President of the Lodi Boys and Girls Club, proclaiming the week of April 10 - 16, 1994 as "National Boys and Girls Club Week". There will be many fun activities planned during this week for both members and non-members. Mayor Sieglock presented City of Lodi pins to several young children from the Boys and Girls Club who were in the audience.
FILE NO. CC-37
- c) Mayor Sieglock presented a proclamation to Kathy Stading, President of the Lodi Association of Realtors, proclaiming the month of April, 1994 as "Homebuyer Education Month".
FILE NO. CC-37
- d) Assistant City Manager Glenn informed the City Council that the City is in receipt of a check in the amount of \$179,210 from the California Joint Powers Risk Management Authority (CJPRMA) which represents a redistribution of premium deposits paid to the CJPRMA. Mr. Glenn also presented a short video tape of the history and activities of the CJPRMA.
FILE NO. CC-21.1(e)
- e) The City Council heard a report from Parks and Recreation Director Williamson regarding the Lodi Parks and Recreation Catalog of Dreams and Gift Program and granted its approval to proceed with the concept and begin getting the information out to the public.
FILE NO. CC-6 AND CC-40

- 111
- f) Representatives of Mothers Against Drunk Drivers (M.A.D.D.), presented an Alco-Sensor IV to Police Chief Larry Hansen which will be used for the enforcement of drunk driving and the new Zero Tolerance Law for minors under the age of 21 who are driving under the influence.
FILE NO. CC-6 AND CC-152
 - g) Bob Whitmire, President of the Lodi Lions Club, presented Police Chief Larry Hansen with a check in the amount of \$1,500 for the Lodi Police Partners Program.
FILE NO. CC-6 AND CC-152

5. MOTION TO DISCUSS ITEM OUT OF ORDER

Mayor Sieglock requested that the City Council consider moving agenda item #N-1 entitled, "Closed Session, Litigation - Alcantara v. City of Lodi" because the City's representative from Insurance Consulting Associates, Inc. (the City's contract administrator) was present to talk to the Council. This agency charges an hourly rate of approximately \$50, and moving this item earlier on the agenda would save the City money.

Council Member Davenport voiced his objection to moving this item and called for "orders of the day" to follow the agenda. However, the City Council, on motion of Council Member Pennino, Sieglock second, determined that it would move this item from the end to this point on the agenda by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

6. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matter:

- a) Litigation - Alcantara v. City of Lodi
FILE NO. CC-200(d)

7. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 8:24 p.m.

- a) Litigation - Alcantara v. City of Lodi

No final action was taken by the City Council in Closed Session.

8. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Mann second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$4,247,682.13.
FILE NO. CC-21(a)

- 112
- b) The Minutes of March 7, 1994 (Special Meeting), March 16, 1994 (Regular Meeting) and March 22, 1994 (Joint Meeting with the Lodi Arts Commission) were approved as written. Council Member Davenport filed a "Protest of Council Action March 16, 1994 and Failure to Follow Proper Procedure under Government Code Municipal Code Section 2.04, Ordinance No. 1566 and Resolution No. 93-35", a copy of which is on file in the City Clerk's office.
FILE NO. CC-1(b)

- c) Received report regarding the sale of scrap metal to the high bidder, B & G Machinery of Lodi, who paid \$3,377.34 for the items listed below:

Insulated Aluminum	4,725 lbs.
Insulated Copper	3,583 lbs.
Bare Copper	377 lbs.
Alum/Copper Cable	1,980 lbs.
Copper Pipe	275 lbs.
Lead Pipe	510 lbs.
Brass Fittings	150 lbs.
Transformer Casings, Luminaire Housings, and Scrap Iron	1 lot

FILE NO. CC-20 AND CC-47

- d) Adopted Resolution No. 94-28 awarding the bid to produce and deliver printed envelopes, as required, during the balance of calendar year 1994, to the low bidder for the 1994 estimated requirements, Vanier Business Forms of Stockton, in the amount of \$8,022.37.
FILE NO. CC-12(a) AND CC-300
- e) Adopted Resolution No. 94-29 awarding the bid for the purchase of 55 wood utility poles to the low bidder, J. H. Baxter & Company of San Mateo, in the amount of \$23,998.08.
FILE NO. CC-12(a) AND CC-300
- f) Agenda item #E-6 entitled, "Contract Award for the purchase of polemount and padmount transformers" was removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Contract Award for Westgate Park interior storm drainage" was removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar. (Removed by Council Member Davenport.)
- h) Approved the final map for Century Meadows Three, Unit No. 3, Tract No. 2627, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
FILE NO. CC-46 AND CC-90
- i) Received report regarding Federal funding of street lighting.
FILE NO. CC-6 AND CC-45(g)
- j) Received report regarding Laurel Avenue traffic legend and Lodi Lake sign upgrading.
FILE NO. CC-6 AND CC-48(a)
- k) Received report regarding Lodi Lake soil removal project update.
FILE NO. CC-6 AND CC-27(c)

113

- l) Agenda item #E-12 entitled, "Acquisition of public utility easement, 1127 Industrial Way" was removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar. (Removed by Council Member Davenport.)
- m) Adopted Resolution No. 94-32 approving the destruction of the hereinafter listed City of Lodi records:
 - 1. Examination files (over five years old);
 - 2. Personnel employment records of separated part-time employees (over five years old);
 - 3. Personnel files of regular separated employees (over five years old); (Microfilm copy of records will be kept.)
 - 4. Applications for employment from expired eligible lists (over two years old). FILE NO. CC-6 AND CC-34
- n) Agenda item #E-14 entitled, "Establish classification and salary range of Accounting Technician" was pulled from the agenda pursuant to staff's request.
- o) Agenda item #E-15 entitled, "Reallocate one Account Clerk position to Senior Account Clerk" was pulled from the agenda pursuant to staff's request.
- p) Agenda item #E-16 entitled, "Establish one part-time position in the Public Works Department - Graffiti Abatement Coordinator" was pulled from the agenda pursuant to staff's request.
- q) Agenda item #E-17 entitled, "Resolution opposing the California Uniform Tobacco Control Act" was removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar. (Removed by Council Member Davenport.)

9. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Pennino second, unanimously adopted Resolution No. 94-30 awarding the purchase of various sizes of polemount and padmount transformers to Cooper Power Systems of Milwaukee, Wisconsin, in the amount of \$53,428.92 who was the responsible bidder whose proposal and equipment met City of Lodi specifications and whose transformers yielded the lowest overall lifecycle costs in each rating category. Further the figures of the bids are to be included in the resolution rather than attached as an exhibit. FILE NO. CC-12(d) AND CC-300

- b) Council Member Davenport made a motion to table the matter regarding contract award for Westgate Park interior storm drainage. The motion died for lack of a second.

The City Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 94-31 awarding the contract for Westgate Park interior storm drainage to Crutchfield Construction of Stockton in the amount of \$23,171 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12(a) AND CC-300

- 114
- c) Council Member Davenport made a motion to table the matter regarding acquisition of public utility easement at 1127 Industrial Way. The motion died for lack of a second.

The City Council, on motion of Mayor Sieglock, Pennino second, approved the acquisition agreement for a public utility easement at 1127 Industrial Way and authorized the City Manager and City Clerk to sign on behalf of the City by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-6 AND CC-90

- d) The City Council, on motion of Council Member Snider, Pennino second, unanimously adopted Resolution No. 94-34 entitled, "A Resolution of the Lodi City Council in Opposition to the California Uniform Tobacco Control Act Initiative" with minor language changes in paragraph 4 to read "Whereas, **the citizens of the City of Lodi.** . ." and in paragraph 10 to read ". . .that the City Council of the City of Lodi opposes this Initiative" and removing the language ". . .and urges residents not to sign the petition".
FILE NO. CC-6 AND CC-300

10. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Sieglock informed the public that a workshop will be held on Wednesday, April 27, 1994 at 7:00 p.m. in the Carnegie Forum for the purpose of receiving public input regarding the proposed business license fee increase.

Mayor Sieglock reminded the public that a workshop is scheduled for April 7, 1994 from 7:00 p.m. - 9:00 p.m. in the Hutchins Street Square Multi-Purpose Room with Freedman, Tung & Bottomley to discuss the Downtown and Cherokee Lane Revitalization. Mr. Sieglock encouraged the public to attend and provide input.

Mayor Sieglock also informed the public that Stockton Municipal Area Rapid Transit (SMART) will be conducting a public hearing on Tuesday, April 12, 1994 from 7:00 p.m. - 9:00 p.m. at the Lodi Public Library regarding the inter-City bus transportation system in Lodi. Mr. Sieglock encouraged the public to attend and present its suggestions on pick up and drop off locations. Assistant City Manager Glenn informed the public that he will be attending this hearing, and anyone who is unable to attend is welcome to contact him with suggestions, which he will share at the hearing. Council Member Pennino asked that the Dial-A-Ride system be available that evening for those wishing to attend the hearing. Mr. Glenn said he would make those arrangements.

Further, Mayor Sieglock informed the public that there will be a public forum on government environmental policies, Friday, April 8, 1994 from 1:00 p.m. to 4:00 p.m. at Cal-Expo. U.S. Representatives Richard Pombo and John Doolittle, Colorado Attorney General Gale Norton and Nevada Secretary of State Cheryl Lau will be in attendance to answer any questions from the public on such issues as the Endangered Species Act, private property rights, government land issues and water rights.

FILE NO. CC-6, CC-50(b), CC-56, CC-72 AND CC-400

- b) Council Member Mann expressed his concern with the recent proliferation of topless juice bars in areas such as Sacramento. Many of the cities were late in addressing this issue. Mr. Mann does not want that to happen in Lodi and would like the City to address this matter now. Therefore, the City Council, on motion of Council Member Mann, Sieglock second, unanimously directed the City Attorney to research the matter and return to the City Council with either stronger language in any existing ordinance or a new ordinance that would prevent this type of situation.
FILE NO. CC-6

- c) Mayor Sieglock announced that the meeting originally scheduled for April 13, 1994 regarding economic development has been changed to a Shirtsleeve Session set for Tuesday, April 12, 1994 at 7:00 a.m. in the Carnegie Forum.
FILE NO. CC-6 AND CC-400
- d) Council Member Davenport thanked everyone for attending the meeting and commented on the following matters: (1) That everyone be ever mindful of gangs; (2) Recently attended the wine festival which was a great success and is good for Lodi's tourism; (3) Still would like a report of the Shirtsleeve Sessions on the agendas. At the Shirtsleeve Session on April 5, 1994, the City Council discussed Community Oriented Policing and Problem Solving (COPPS) and heard a presentation and video from the Lodi Police Department. Mr. Davenport would like to see the Shirtsleeve Sessions changed to Tuesday evenings at 7:00 p.m. so more people would attend, and would also like to see the City Council meetings changed from Wednesdays to either Tuesdays or Thursdays because those who have church on Wednesdays cannot attend; (4) Asked the City Attorney for an update regarding the golf driving range. Mr. McNatt informed the Council that the parties involved have a meeting scheduled for Monday to finalize the agreement, and the matter will then be brought back to the City Council; (5) Questioned when the parking stalls near Laurel Avenue (in the vicinity of Lodi Lake) were going to be painted. Public Works Director Ronsko responded that the Council directed staff to meet with the property owners to discuss and solve their concerns, which it did. Painting the parking stalls was not one of the concerns voiced by the owners; (6) Informed the public that the City has received a partial decision from the arbitrator in regards to the grievance filed by the United Firefighters of Lodi (UFL). City Attorney McNatt replied that following his complete review, the information will be forwarded to the City Council which should be sometime within the next few days. City Manager Peterson further commented that a report on this matter will be one of the topics at the next Shirtsleeve Session; (7) Expressed his concerns regarding the actions that were taken on several of the Consent Calendar items on the March 16, 1994 City Council agenda, of which he filed a protest. Mr. Davenport asked the City Council to pay attention to rules and to not cut off certain Council Members; (8) Commented that the City Manager does not want him to attend the department head staff meetings. Mr. Peterson has not been announcing the time and location of the meetings and has been moving them around, which he feels is childish; (9) Commented that he had called the City Manager and asked what he thought was going to happen in regards to the Efficiency Committee. Mr. Davenport claims that Mr. Peterson's response sounded as if he already had a consensus of the City Council which would be a violation of the Brown Act; and (10) Sent his condolences to the family of the little boy who was killed by a California Waste garbage truck, and to the driver and the company. Mr. Davenport further stated that the trucks should be manned with two drivers to prevent this type of tragedy in the future.
FILE NO. CC-6, CC-34, CC-48(a) AND CC-152
- e) Mayor Sieglock responded to Council Member Davenport that the City Manager did not violate the Brown Act.
- f) Council Member Snider announced that Lodi Day at the Stick will be Saturday, May 14, 1994. Tickets are available at the Parks and Recreation Office, the Music Box, Lodi Sporting Goods and Hunnells Pharmacy. Pacific Coast Producers is purchasing an entire bus for members of the Boys and Girls Club. Council Member Snider acknowledged Farmers and Merchants Bank, Bank of Lodi, Bank of Stockton, Stockton Savings and Norwest Financial who are sponsoring the tailgate party. City Manager Peterson acknowledged the Lodi Tokay Rotary Club which annually sponsors this event.
FILE NO. CC-6

- 116
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- g) Council Member Mann responded to Council Member Davenport that if one Council Member is invited to attend the department head staff meetings, all of the Council Members should be invited to attend.
 - h) Council Member Davenport stated that all five Council Members cannot attend because it would need to be agendaized or it would be a violation of the Brown Act. Mr. Davenport is only trying to observe what is going on.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Darrell McLaughlin, 901 Wimbledon Drive, Lodi, who is a City of Lodi Dial-A-Ride driver, questioned the City Council as to why the Dial-A-Ride employees are no longer on the retirement plan, and why the City is instead paying into Social Security which is costing the City approximately 1.2% more. Staff was directed to look into this matter.
FILE NO. CC-34
- b) Virginia Lahr, 300 East Elm Street, Lodi, representing the East Side Improvement Committee informed the public of its next meeting on April 14, 1994 at 6:30 p.m. at the Loel Center. There will be a speaker from Farmers and Merchants Bank to talk about items such as revitalization home loans. The Committee will also be hosting a session on April 22, 1994 at 5:30 p.m. at the Methodist Church entitled, "Come and Learn Your Rights" to assist the Spanish-speaking residents of Lodi.
FILE NO. CC-2(s)
- c) Ray Davenport, 445 Almond Drive #45, Lodi (speaking as a **citizen**), commented on the recent articles in the newspaper regarding his litigation and the letters he mailed to several individuals in which he asked advise. The articles refer to him as "**Council Member Davenport**"; however, he is a **citizen** who is trying to solve an on-going problem with the City since 1988. Mr. Davenport argued that the City has not spent "**many thousands of dollars**" as was quoted in a recent newspaper article; rather the City is "**wasting**" money to protect lies and fraud. Mr. Davenport stated that the letter he sent to Council Member Snider (and 35 others) was sent in good faith and to try to resolve the problem, which emanated from "one person". Mr. Davenport feels he has never had the opportunity to discuss the merits of his case in any of his hearings.
FILE NO. CC-6

12. PUBLIC HEARINGS

- a) Council Member Snider abstained from discussion and voting on this matter.

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider request for sidewalk installation in the 400 and 800 blocks of South Fairmont Avenue.

Hearing Opened to the Public

1. Gary Burgstahler, 5 Carmel Place, Chico, (was not in opposition to the installation of sidewalk; however, he requested that it be delayed until the property on 831 South Fairmont Avenue is sold (at least until the rainy season begins); and
2. Keren Goeschel, 2392 Chad Court, Napa (requested the same delay as Mr. Burgstahler for the property located at 831 South Fairmont Avenue).

Public Portion of Hearing Closed

117

ACTION:

The City Council, on motion of Council Member Pennino, Davenport second, determined that it is in the public's best interest to have sidewalk installed in the 400 and 800 blocks of South Fairmont, overruled property owners' objections to installing the sidewalk, and further delayed the installation until the first of October, 1994 (the costs will be assessed against the property as a lien and collected with the taxes) by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members - None
Absent: Council Members - None
Abstain: Council Members - Snider

FILE NO. CC-6 AND CC-45(e)

13. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Sieglock, Mann second, unanimously rejected the following claims and referred them back to ICA:
 - 1. Hildegard Coloma, date of loss 12/3/93;
 - 2. Zenaida Herrera, date of loss 2/15/94; and
 - 3. Sheali Soule', date of loss 2/17/94.
FILE NO. CC-4(c)
- b) City Clerk Perrin read the following ABC License:
 - 1. Didar S., Sukhinder Jit Singh and Gursharan Jit Singh Randhawa, Cherokee Lane Service Station, 900 South Cherokee Lane, Lodi, Off Sale Beer and Wine, Original License.
FILE NO. CC-7(f)
- c) The following reports were presented to the City Council:
 - 1. Planning Commission reports of March 14, 1994 and March 28, 1994.
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Pennino, Snider second, unanimously directed the City Clerk to post for the following terms on the Lodi Eastside Improvement Committee which expired on April 1, 1994:

Eastside Improvement Committee

Virginia Snyder
Colleen Dixon
Saleem Khan
Harry Marzolf

FILE NO. CC-2(s)

- 118
- e) The City Council, on motion of Mayor Sieglock, Mann second, unanimously directed the City Clerk to post for the following vacancies on the Greater Lodi Area Youth Commission:

Greater Lodi Area Youth Commission

Gary Alegre
Patsy Gorczyca
Rick Souza

FILE NO. CC-2(t)

- f) The City Council received Application No. 94-03-008 from Pacific Gas & Electric Company (PG&E) filed with the California Public Utilities Commission (CPUC) requesting authority to change to a performance-based base revenue mechanism and to create a large electric manufacturing customer class which, if approved by the CPUC, would become effective January 1, 1995.
FILE NO. CC-7(t)

14. **RECESS**

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 10:04 p.m.

15. **REGULAR CALENDAR**

- a) Following discussion regarding the status of the Efficiency Committee, the City Council, on motion of Council Member Mann, Snider second, voted to disband the Efficiency Committee by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

Council Member Davenport stated for the record that the City Council was making "a big mistake".

Speaking on the matter were the following persons:

1. Brian Chavez-Ochoa, committee member, expressed his support in continuing the committee. Mr. Chavez-Ochoa submitted a letter to the City Council, a copy of which is on file in the City Clerk's office;
2. John Young, 600 Tara Place, Lodi, expressed his support in continuing the committee;
3. Eileen St. Yves, Lodi resident, expressed her support in continuing the committee; however, it may need some restructuring;
4. Frank Alegre, committee member, expressed his support in continuing the committee;
5. John Kraai, 351 Del Mont, Lodi, expressed his support in continuing the committee;

6. Mike Locke, committee member, expressed his support in continuing the committee;
7. Shirley Ferrero, 2946 White Oak Way, Lodi, expressed her support in continuing the committee and informed the Council she has submitted her application and feels she is very qualified to be on the committee;
8. Frank Winston, 118 North Cherokee Lane, Lodi, expressed his support in continuing the committee;
9. Warren Mantz, 424 East Lodi Avenue, Lodi, expressed his support on continuing the committee;
10. Lorrie Kahaski, 2470 Clarret Court, Napa, expressed her support in continuing the committee; and
11. Virginia Lahr, 311 East Elm Street, Lodi, expressed her support in continuing the committee.

Pursuant to her request, City Clerk Perrin read letter of resignation from Elizabeth Rosenquist, who was unable to attend the meeting.
FILE NO. CC-2(u) AND CC-6

16. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 11:24 p.m.

17. VOTE TO CONTINUE WITH MEETING FOLLOWING 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Pennino, Davenport second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

18. REGULAR CALENDAR (Continued)

- a) Council Member Pennino made a motion, second by Mayor Sieglock, to adopt Resolution No. 94-33 approving the 1994-95 Community Development Block Grant (CDBG) funding as recommended in the staff report (this motion did not include the \$7,200 funding for the Family Law Service Center which was recommended that evening).

Council Member Snider, in order to express his support of the Family Law Service Center, made a motion to **amend the motion on the floor** by including the \$7,200 funding for the Family Law Service Center. Council Member Davenport seconded the motion; however, it **failed** by the following vote:

Ayes: Council Members - Davenport and Snider
Noes: Council Members - Mann, Pennino and Sieglock (Mayor)
Absent: Council Members - None

Further, the motion on the floor by Council Member Pennino, Sieglock second to adopt Resolution No. 94-33 approving the 1994/95 CDBG funding as recommended in the staff report was unanimously approved by the City Council.

120

Speaking on the matter were the following persons:

1. John Brinton with Family Law Service Center spoke in support of funding this agency (the City Council felt that because the Family Law Service Center was not originally recommended in the staff report, it did not research the agency and its activities; however, the Council stated that after approval of the CDBG funding this evening, it will research the agency and amend this resolution at a future meeting, if it so desires);
2. Robert Klinger representing the San Joaquin County Food Bank spoke in support of its requested funding and also offered his support of funding the Family Law Service Center;
3. Virginia Snyder representing the East Side Improvement Committee spoke in support of its requested funds for street lighting on the east side; and
4. Virginia Lahr, 311 East Elm Street, Lodi, spoke in support of the Family Law Service Center's request for funding.
FILE NO. CC-6 AND CC-55

- b) The City Council, on motion of Council Member Snider, Mann second, adopted Resolution No. 94-35 approving the non-resident fees for City facility use by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-40 AND CC-56

19. MOTION TO DISCUSS ITEM OUT OF ORDER

Mayor Sieglock asked Council if it would consider moving agenda item #K-1 entitled, "Adjournment to the Lodi Industrial Development Authority (IDA) - Inducement resolution for industrial development bond financing" to this point of the agenda due to the late hour and public interest in the matter.

The City Council, on motion of Council Member Mann, Pennino second, unanimously moved the item to this point on the agenda.

20. INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Sieglock adjourned the City Council meeting to the meeting of the Lodi Industrial Development Authority (IDA). Chairperson Sieglock called the meeting to order and Secretary Perrin recorded roll.

The Authority, on motion of Authorizing Member Pennino, Mann second, adopted Resolution No. IDA-11 entitled, "A Resolution of the Industrial Development Authority of the City of Lodi Providing Preliminary Approval of the Issuance of Bonds for the Purpose of Providing Financing for Certain Manufacturing Facilities" by the following vote:

Ayes: Authorizing Members - Mann, Pennino, Snider and Sieglock (Chairperson)
Noes: Authorizing Members - Davenport
Absent: Authorizing Members - None

FILE NO. CC-60

1971

21. CITY COUNCIL MEETING RECONVENED

Mayor Sieglock reconvened the City Council meeting at approximately 12:20 a.m.

22. MOTION TO DISCUSS ITEM OUT OF ORDER

Mayor Sieglock asked the City Council to consider moving agenda item #J-9 entitled, "Request by Council Member Davenport to reconsider 'Request from Graffiti Abatement Services' which was laid on the table by the City Council at its March 16, 1994 Council meeting" to this point on the agenda.

The City Council, on motion of Council Member Davenport, Sieglock second, unanimously moved the item to this point on the agenda.

23. DISCUSSION OF AGENDA ITEM #J-9

The City Council, on motion of Council Member Pennino, Mann second, limited discussion to two minutes on agenda item #J-9 entitled, "Council Member Davenport's request to reconsider 'Request from Graffiti Abatement Services' which was laid on the table by the City Council at its March 16, 1994 Council Meeting" by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking on the matter was Dennis Cochran who expressed his concerns regarding the City of Lodi's Graffiti Abatement Program and the City's release form. The City Council took no action on the matter.

FILE NO. CC-6, CC-13 AND CC-16

24. RECESS

Mayor Sieglock declared a five-minute recess and the City Council meeting reconvened at approximately 12:43 a.m.

25. REGULAR CALENDAR (Continued)

- a) Prior to discussion, the City Council, on motion of Council Member Pennino, Mann second, limited debate on the items listed below by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

1. Agenda item #J-4 entitled, "Request for sidewalk replacement and other improvements in the 500 block of East Oak Street";
2. Agenda item #J-5 entitled, "Request by Council Member Davenport to reconsider 'Plans and specifications and advertisement for bids for remodel at 303 West Elm Street' which was approved by the City Council on March 16, 1994";

- 122
3. Agenda item #J-6 entitled, "Request by Council Member Davenport to reconsider 'Reject all bids for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11R and 16 and authorize readvertisement for bids' which was approved by the City Council on March 16, 1994";
 4. Agenda item #J-7 entitled, "Request by Council member Davenport to reconsider 'Authorization for City Engineer to execute subdivision and parcel maps and to accept dedications on parcel maps on behalf of the City' which was approved by the City Council on March 16, 1994"; and
 5. Agenda item #J-8 entitled, "Request by Council Member Davenport to reconsider 'Purchase of one patrol unit for the Police Department' which was approved by the City Council on March 16, 1994".
- b) Following discussion regarding request for sidewalk replacement and other improvements in the 500 block of East Oak Street, the City Council, on motion of Mayor Sieglock, Mann second, approved construction of a new return with handicap ramp and side-inlet catch basin and replacement of approximately 77 lineal feet of sidewalk fronting 501 and 505 East Oak Street (under the City's Sidewalk Replacement Program) and removal of the Liquid Amber trees fronting 509 East Oak and replanting it under the City's 1995 spring Tree Planting Program by the following vote:
- Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None
- FILE NO. CC-6 AND CC-45(e)
- c) Regarding request by Council Member Davenport to reconsider "Plans and Specifications and advertisement for bids for remodel at 303 West Elm Street" which was approved by the City Council on March 16, 1994, the City Council took no action.
FILE NO. CC-6 AND CC-12.1(a)
- d) Regarding request by Council Member Davenport to reconsider "Reject all bids for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11R and 16 and authorize readvertisement for bids" which was approved by the City Council on March 16, 1994, the City Council took no action.
FILE NO. CC-6 AND CC-12(b)
- e) Regarding request by Council Member Davenport to reconsider "Authorization for City Engineer to execute subdivision maps and to accept dedications on parcel maps on behalf of the City" which was approved by the City Council on March 16, 1994, the City Council took no action.
FILE NO. CC-6 AND CC-46
- f) Regarding request by Council Member Davenport to reconsider "Purchase of one patrol unit for the Police Department" which was approved by the City Council on March 16, 1994, the City Council took no action. Council Member Davenport expressed his opinion that the procedures were not followed properly in the adoption of this item on March 16, 1994. City Attorney McNatt responded that to the best of his knowledge, the Council action on this matter was legal and appropriate.
FILE NO. CC-6

26. ORDINANCES

None.

27. CLOSED SESSION

Mayor Sieglock adjourned to a Closed Session to discuss the following matter:

1. Litigation - Davenport v. City of Lodi.
FILE NO. CC-200(d)

28. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 1:24 a.m.

Mayor Sieglock announced the following action taken by the City Council in the Closed Session:

- a) Litigation - Davenport v. City of Lodi

Pursuant to Council Member Davenport's "Request for Arbitration, Resolution of an Extended Employee Grievance and Resolution of a Continuing Wrong", the City Council declined any action on request to arbitrate in conjunction with litigation by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Davenport

29. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 1:24 a.m., Thursday, April 7, 1994.

ATTEST:


Jennifer M. Perrin
City Clerk